

Notice of Allowability

Application No.

10/508,950

Examiner

Nikita Wells

Applicant(s)

LONDREY ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to "Amendment" received 9 August 2006.
2. ☒ The allowed claim(s) is/are 30-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Nikita Wells
Primary Examiner
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DETAILED ACTION

Allowable Subject Matter

1. Claims 30-39 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Claims 1-39 were previously rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-39 of copending application 10/310,003. The Applicant filed an "Amendment" received August 9, 2006, canceling claims 1-29. The remaining claims 30-39, of which claims 30, 37, and 39 are independent, no longer infringe upon the claims of the copending application 10/310,003 since the claims of this application, now US Patent 7,049,580 B2, have also been amended. Therefore the 35 U.S.C. §101 double patenting rejection is removed.

As mentioned in the first Office Action, except for the 101 double patenting problem, no other prior art was found to disclose or make obvious the key features of the applicant's invention.

With respect to the independent claims 30 and 37, prior art fails to disclose or make obvious a mass spectrometer, comprising: a linear ion trap having a quadrupolar rod set for generating a substantially quadrupole RF trapping field and a set of additional electrodes for superimposing a higher order multipole field to the trapping field; means for providing a background gas in said trap at a pressure of less than approximately 9×10^{-5} Torr; means for introducing ions into said trap; means for applying a resonant excitation signal in order to promote collision induced dissociation of selected ions; and means for mass analyzing the trapped ions to generate a mass spectrum.

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With respect to the independent claim 39, prior art fails to disclose or make obvious, a Penning trap having at least four planar or curved-surface electrodes for constraining ions radially and at least two electrodes for constraining ions axially, an improvement comprising at least one additional electrode interposed between any two adjacent radially-constraining electrodes, and a voltage generator for establishing a DC potential voltage between each additional electrode and the adjacent radial-constraining electrode.

The dependent claims 31-36 and 38 are allowable by virtue of their dependence upon the independent claims 30 and 37, respectively.

Conclusion

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nikita Wells". The signature is fluid and cursive, with the first name "Nikita" and the last name "Wells" clearly distinguishable.

Nikita Wells, Primary Examiner
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January 22, 2007